

CHILD CARE LICENSING ADVISORY COMMITTEE MEETING
October 18, 2002, Cannon Health Building, Room 125, 9:00- 1200

Members Present: Joyce Hastings; Colleen Larson; Gayle Anderson; Mary Ogan; Samuel Nielsen; and Sarah Croskell.

Members Excused: Mavy Ghavim; Erin Trenbeath-Murray; Konnie Parke; Vivian Hardy; Maile Hiller; and Deborah Tilley.

Staff Present: Joel Hoffman; Debra Wynkoop; Donna Thomas; Wendee Pippy; Pennie Knudson; Eloina Goff; and Joan Isom.

The meeting was called to order at 9:11

1. New Member Introductions :

Colleen Larson a new appointment to the Child Care Licensing Advisory Committee representing Licensed Family category. The other new members are Konnie Parke, Health Care Professional, Erin Trenbeath-Murray, Expert in Child Development, and Maile Hiller, Consumers.

2. Magazine- Healthy Child Care :

The Healthy Child Care America project has purchased subscriptions for all child care providers six times a year. This magazine replaces the Child Care newsletter published by the Bureau.

3. Action Items :

A. ADA Compliance Handout:

A provider in the Salt Lake Valley had requested information on ADA personnel and admission policies. The enforcement of the ADA is granted to the US Department of Justice.

Ms. Tilley faxed a statement, which was read to the committee, stating that "Child care licensing rules absolutely 100%, cannot put child care centers in a position that allows them to be sued by any person or organization. Recently lawsuits in Utah have cost centers thousands of dollars for following licensing rules." Her fax went on to say, "Any rule that could conflict with the ADA should be eliminated, changed or amended or the State of Utah must 100% defend at the state's expense a

center for enforcing licensing rules. We cannot have one agency threaten us if we do and another if we do not.”

Discussion with committee members indicated that most of the ADA concerns were about admission and retention policies for children with special health care needs. Licensing rules do not specify “personnel policies” for ADA issues. The Bureau did not have any information on lawsuits in Utah. The committee requested that Ms. Anderson discuss the ADA concerns with members of the UPCCA and bring back their response for discussion at the meeting in February. Ms. Tilley will be requested to supply the licensing rules, which are in conflict with the federal ADA for the committee to review in February.

B. Handbook for members of Utah State Boards and Commissions :

Mr. Odendahl, attorney for the Department of Health the manual and requested that committee members read the manual at their leisure.

1. He explained that this committee is created by statute and their responsibility is to advise the department on rules promulgated by the department. He stated that advisory committees are important in helping the Department of Health understand what is needed in the industry. This committee is created under Title 26, Chapter 39.
2. Roles and Responsibilities: Specifically the Child Care Licensing Advisory Committee should not be concerned with the day-to-day administration of the department. Committee members should represent their constituency by communicating with them and listening, not representing a personal agenda. Advice should include a statewide perspective. Committee members may not speak for the Department of Health or for the committee.
3. Media Guidelines: Ms. Wynkoop may refer media contacts to contact committee members when they are working on a story and want to film a home based or center based programs. Under this situation the member may be asked to represent the committee.
4. Business requires a quorum. A quorum was not present today, due to absences of two members. If we have knowledge before hand, we may cancel and re-schedule the meeting.
5. Open Meeting law: Members were cautioned that if they attend any meeting where seven or more members are present and they discuss rules, their discussion may be construed to be a meeting.
6. Utah Administrative rulemaking process: The Utah Department of Health adds one additional step by obtaining approval from the executive director prior to initiating a rule change.
7. Ethics and Conflict of Interest: Members were reminded to declare their conflict of interest prior to voting on motions and rules. Mr. Odendahl explained that the committee members are covered under the Government Immunity Act as long as they didn’t act intentionally

or maliciously. He stated that to take money for voting a certain way is illegal.

C. Pilot Project Unannounced and Announced Surveys-

Mr. Hoffman explained that the study continues to proceed statewide and the first year should be completed in January. This is a two year project, and the centers that had announced visits in 2002 will have unannounced visits in 2003. Members expressed that they wished there could be two surveys annually, one announced and one unannounced. Ms. Wynkoop explained that with budget cuts and increases in case loads the Bureau does not have enough personnel to implement this initiative.

D. Background Clearance – SB 17

The Bureau continues to monitor the progress of the implementation of the licensing information system access to the Child Protective database “supported and substantiated findings”. There may be delays in receiving clearance information in a timely fashion.

4. OCC Report – Lynette Rasmussen

Ms. Rasmussen, Director, Office of Child Care, reviewed the recommendations to improve the Quality of Child Care in Utah. The committee was requested to review the recommendations and identify areas where the Child Care Licensing Advisory Committee may assist. Three main areas were measured in the report. They were: 1) Recruitment and retention of providers; 2) Wages and benefits; and 3) Provider Education. She explained that the Department of Work Force has projected that the child care field will be the tenth largest producer of new jobs between 2000-2005. OCC contacted Universities and were told that they discourage students from the Early Childhood Education field due to low wages. Ms. Rasmussen explained that nationally child care center providers have a higher education than family child care providers, but here in Utah, family providers have a higher education than the child care center providers.

5. Other Business:

A. Deon Corkins, Salt Lake Valley Health Department:

Ms. Corkins distributed information on Food Handler Training in Salt Lake Valley. She requested that all parties purge their files of any old forms to avoid having people come to the wrong location for training.

B. Faxed Request: Deborah Tilley

“I would like all centers to be notified of the definitions of “substantiated, non-substantiated and without merit” complaints and that they can request a hearing that an unsubstantiated complaint be put in the “without merit” category and how to do this. I also feel that the first in person meeting should not have to be in front of an administrative law judge. I feel all centers should have a fair, informal hearing where they can speak face-to-face with Debra Wynkoop or Joel Hoffman on their issues. Talking to an

administrative law judge can be an unnecessary intimidating procedure for centers. I also want to make a motion that all centers, all anonymous complaints from now on and in the past once found to be unsubstantiated – be put in without merit, without having to do a hearing.” Ms. Wynkoop read the statement and then explained the hearing process. Members of the committee have requested that the Bureau bring the protocol for complaint investigations and hearings to the next meeting for discussion.

Ms. Tilley also expressed concern “that people want to continue to build and expand their daycares, that we slow down sales and closures and loss of good center and that even further down the line our children will want to keep the family business when they inherit it.” There was no discussion on this matter.

C. Budget FY 2003-2004

Ms. Wynkoop discussed that the budget reductions have affected the ability of the Bureau to increase the number of FTE’s. Therefore, a waiting list has been created for family licensed and residential certificate providers. Caseloads should be at 90 per licenser, however, many have exceeded that number and average between 95-100 providers. Karen Silver, SLCAP, expressed concern that if the goal of the Office of Child Care is to recruit new providers, the loss of FTE’s and the creation of a waiting list may impair progress.. Ms. Silver expressed concerns that when a constituent was concerned with a pre-school, she was told they aren’t regulated. Ms. Wynkoop discussed that the statutory authority does not include pre-schools. Ms. Bray, Childcare Resource and Referral asked if members of the committee could contact Lisa Aleman at 355-7444 when they see a pre-school advertised.

The meeting was adjourned at 11:00

Joyce Hastings, Chairperson

Debra Wynkoop, Executive Secretary